

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MAURICE EMILE,	)	
	)	
Plaintiff,	)	2:04cv974
	)	Electronic Filing
v.	)	
	)	Judge Cercone
SCI-PITTSBURGH, et al.	)	Magistrate Judge Lenihan
	)	
Defendants.	)	

**MEMORANDUM ORDER**

The above-captioned prisoner civil rights action was received by the Clerk of Court on June 30, 2004, and was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

On September 24, 2006, the Court granted the Motion to Dismiss filed by Defendants Department of Corrections and SCI-Pittsburgh but denied the Motion as to the Defendants who, although not named in the caption, were named in the body of the Complaint.

On November 20, 2006, Plaintiff filed an Amended Complaint naming the following Defendants: Dobrzynski, Nas, Johnson, and Beard (doc. no. 54). On January 18, 2007, Defendants filed a Partial Motion to Dismiss Plaintiff's Second Amended Complaint against Defendants Dobrzynski and Beard. On

September 12, 2007, the Court granted Defendants' Partial Motion to Dismiss (doc. no. 73).

On December 14, 2007, the remaining Defendants, Nas and Johnson, filed a Motion for Summary Judgment (doc. no. 78). The Magistrate Judge's Report and Recommendation (doc. no. 86), filed on July 29, 2008, recommended that Defendants' Motion for Summary Judgment be granted. Service was made on the Plaintiff and he was informed that he had ten (10) days to file any objections. No objections have been filed. After *de novo* review of the pleadings and the documents in the case, together with the Report and Recommendation, the following <sup>th</sup> order is entered:

**AND NOW**, this 10 day of September, 2008.

**IT IS HEREBY ORDERED** that Defendants' Motion for Summary Judgment (doc. no. 78) is **GRANTED**.

**IT IS FURTHER ORDERED** that the Report and Recommendation (doc. no. 86), filed on July 29, 2008, by Magistrate Judge Lenihan, is adopted as the opinion of the court.

**IT IS FURTHER ORDERED** that the Clerk of Court mark this case **CLOSED**.



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David Stewart Cercone  
United States District Judge

cc: Lisa Pupo Lenihan  
United States Magistrate Judge

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